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MAY 17 2013	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL L. SMITH,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

3:13-cv-00246-RCJ-WGC

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's motion (#1-5) for appointment of counsel and for initial review.¹ The filing fee has been paid.

The Court finds that the appointment of counsel for the financially eligible petitioner is in the interests of justice herein, given: (a) the lengthy sentence structure, which includes consecutive sentences of life without the possibility of parole as well as lengthy term sentencing that must run before the first life sentence commences; (b) the complicated substantive and procedural issues potentially involved in the case where, *inter alia*, petitioner was convicted on nine counts involving seven different offenses; and (c) the prospect that there potentially may be as much as five months remaining in the federal limitation period at the filing of the *pro se* original petition for federal habeas counsel to develop and present claims. Nothing in the Court's grant of counsel signifies any tacit acceptance of petitioner's arguments regarding the adequacy of legal resources at the prison.

¹The Court notes that the signature page for the petition can be found at electronic docketing page 54 in #1-2.

1 IT THEREFORE IS ORDERED that the Clerk of Court shall file the petition and
2 accompanying motion for appointment of counsel.

3 IT FURTHER IS ORDERED that the motion for appointment of counsel is GRANTED
4 and that the Clerk shall note the grant of the motion by this order in the docket entry for the
5 motion. The counsel appointed will represent petitioner in all proceedings related to this
6 matter, including any appeals or *certiorari* proceedings, unless allowed to withdraw.

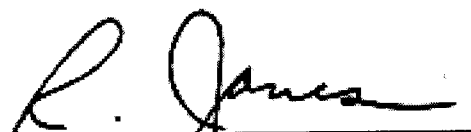
7 IT FURTHER IS ORDERED that the Federal Public Defender shall be provisionally
8 appointed as counsel and shall have **thirty (30) days** to undertake direct representation of
9 petitioner or to indicate an inability to do so. If the Federal Public Defender is unable to
10 represent petitioner, the Court then shall appoint alternate counsel. A deadline for the filing
11 of an amended petition will be set after counsel has entered an appearance. The Court
12 anticipates setting the deadline for approximately one hundred twenty (120) days from entry
13 of the formal order of appointment. No deadline established herein or extension thereof will
14 establish in and of itself a basis for tolling of the federal limitation period.

15 IT FURTHER IS ORDERED, so that the respondents may be electronically served with
16 any papers filed through counsel, that the Clerk shall add the state attorney general as
17 counsel for respondents and shall make informal electronic service of this order upon
18 respondents by directing a notice of electronic filing to her. Respondents' counsel shall enter
19 a notice of appearance within **twenty-one (21) days** of entry of this order, but no further
20 response shall be required from respondents until further order of this Court.

21 **Hard copies of exhibits for this case shall be sent to the Clerk in Las Vegas.**

22 The Clerk of Court accordingly shall send a copy of this order to the *pro se* petitioner,
23 the Attorney General, the Federal Public Defender, and the CJA Coordinator for this Division
24 and shall regenerate notices of electronic filing of all prior filings for both counsel.

25 DATED: May 17, 2013.

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ROBERT C. JONES
Chief United States District Judge